SINGLE BENCH (4)

(2)

CF1002

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
CHHATTISGARH

W.P. (S) No. 1223/07 ~~/2006~~

PETITIONER : Ashiwani Kumar Jha, S/o. Late Shri J.R. Nishad, aged about 44 years, Assistant Teacher, Govt. Primary School Fareednagar, Bhilai, Distt.- Durg (C.G.)

P.R. No. 6762/06
Present
25-11-06

VERSUS

RESPONDENTS :

1. State of Chhattisgrh, Through – The Secretary, Education Department, D.K.S. Bhawan, Raipur (C.G.)
2. The Director, Public Instruction Department, Chhattisgarh Govt. Raipur
3. District Education Officer, Durg, Distt. - Durg (C.G.)
4. Block Education Officer, Durg Distt. - Durg (C.G.),

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WRIT PETITION UNDER ARTICLE 226/~~227~~ OF THE CONSTITUTION OF INDIA

(34)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1223 of 2007

Petitioner : Ashiwani Kumar Jha

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Vipin Tiwari, Advocate for the petitioner.

Mr. Satish Gupta, Deputy Govt. Advocate for State/respondents.

O R D E R

(Passed on this 1st Day of March, 2007)

1. The petitioner was appointed on 1-7-1983 as Assistant Teacher on fixed pay scale of Rs. 300/-. After completion of two years probation, he was granted regular pay scale.
2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or after completion of probation period.
3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special

Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Amar Sai Ram & others Vs. State of Chhattisgarh & others (W.P. (S) No. 4725/ 2006) by order dated 1.9.2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Amar Sai Ram & others Vs. State of Chhattisgarh & others (Supra).

6. In view of that this petition is disposed of in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit